



Patent

Attorney Docket No. 1032326-00013992  
AF

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	<b>MAIL STOP APPEAL BRIEF</b>
Marc Birkner et al.	)	
Application No.: 09/831,745	)	Group Art Unit: 2132
Filed: September 20, 2001	)	Examiner: JUNG W. KIM
For: METHOD AND DEVICE FOR	)	Confirmation No.: 7104
CONTROLLING A PORTABLE OBJECT)	)	
LIFE CYCLE, IN PARTICULAR, A	)	
SMART CARD	)	

## REPLY BRIEF

Commissioner for Patents  
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Sir:

This Reply Brief is being filed in response to the Examiner's Answer dated September 27, 2007.

Appellant's main Brief points out that Chan does not disclose means for checking the content of the volatile memory, the data memories and the program memories of the portable electronic object as a function of the state transition to be effected, as described in claim 1. In response to this argument, the Examiner's Answer relies upon col. 13, lines 35-60 of Chan, and contends that Chan discloses that "the life cycle of the card is determined by the contents of the card memory, including ROM and EEPROM, which store the Card Domains, applications, secret keys, and state information; and RAM, which stores the calculations performed by the programs stored in the persistent memory." However, such contention is not supported by the disclosure of Chan.

Col. 13, lines 35-60 of Chan describe that the ROM, which is a type of a persistent, non-mutable memory, contains the operating system and may also

contain applet code; and that the EEPROM, which is a type of persistent mutable memory, contains content that is determined by a memory loading process that occurs after chip fabrication, and that is relevant to card life cycle and applet life cycle. Chan further discloses that an RAM may be used as a non-persistent mutable memory.

Chan, at most, discloses that the contents of the EEPROM are relevant to card life cycle and applet life cycle. Chan, however, does not disclose that the contents of the ROM, the EEPROM, and the RAM are checked as a function of a state transition to be effected. For example, Chan discloses that the card life cycle is managed by a card domain application 308, and that the card domain application 308 keeps track of what state the card is in during its life cycle. Col. 6, lines 31-36. However, Chan does not disclose how the card domain application 308 keeps track of the state of the card life cycle. Further, Chan does not suggest that a checking of memory content is performed as a state transition is to be effected. Therefore, the Examiner's contention that the card life cycle in Chan is determined by the contents of the ROM, EEPROM and RAM is unsupported by the disclosure of Chan. As such, the reference cannot be interpreted to disclose that the content of all three types of memory is checked as a function of a state transition to be effected.

With regard to claim 12, Appellant's main Brief points out that Chan does not disclose evaluating checks on the configuration of the object that are associated with a permitted transition. In response to this argument, the Examiner's Answer relies upon col. 14, lines 24-60 and col. 12, lines 12-42 of Chan, and contends that Chan requires checks on the configuration of the smart card to initiate a secure load for an application, or ratchet forward to the next state in the life cycle with a higher level of security based on security policies.

The Examiner apparently assumes that checking the current state of the card corresponds to checking the configuration of the card. Appellants respectfully disagree.

Chan does not disclose how a current state of the card is checked. Chan, however, discloses that the card domain application 308 keeps track of the state of the card life cycle. One of ordinary skill of the art would understand that the current state of the card is probably a parameter stored in a dedicated location, and read by the card domain application 308. Chan does not provide any suggestion that the indication of the current state of the card is stored in all memories.

In contrast, claim 12 describes evaluating checks on the configuration of the object that are associated with a permitted transition. Such checks on the configuration of the object guarantee a coherent memory configuration for the object at the time of a transition request. See Specification, the paragraph bridging pages 21-22. Appellants respectfully submit that checking a parameter in a dedicated location, as suggested in Chan, cannot be considered as checking the configuration of the object, as described in claim 12. Therefore, checking the current state of the card does not correspond to checking the configuration of the card.

In view of the foregoing, as well as the arguments presented in Appellants' main brief, Chan fails to meet the requirements for anticipation rejections of claims 1, 7, 10-17 and 36. The final Office Action does not show that all of the elements recited in the claims are disclosed in Chan. Similarly, the final Office Action fails to meet the criteria necessary to support obviousness rejections of claims 3-6, 8, 18-23, 37 and 38 at least because the secondary references fail to remedy the deficiencies of Chan.

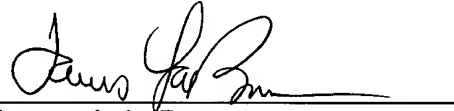
Reversal of the rejections is submitted to be in order.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: Nov. 27, 2007

By:



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